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| 09/675,258 | 09/28/2000 | Nobuyoshi Morimoto | 5596-00400 | 1180 |

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| EXAMINER | |
|---|---|
| NGUYEN, MERILYN P | |

| ART UNIT | PAPER NUMBER |
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| 2171 | |

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14

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/675,258 | MORIMOTO, NOBUYOSHI | |
| | Examiner | Art Unit | |
| | Merilyn P Nguyen | 2171 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *22 August 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-5,7-23,28,41,42,44-47,49-51,53-70,73 and 74* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-23,28,41,42,44-47,49-51,53-70,73 and 74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 September 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *13* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *Detailed Action* .

## DETAILED ACTION

1. In response to the communication dated 08/18/03, claims 1-5, 7-23, 28, 41, 42, 44-47, 49-51, 53-70, 73 and 74 are active in this application.

Applicant's arguments filed 08/22/03 with respect to the rejections of claims have been considered and are persuasive. Therefore the rejection has been withdrawn. However, upon reconsideration, a new ground of rejection is made. The office regrets any inconvenienced this latent rejection may have caused.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 7-15, 22, 23, 28, 41-42, 49, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer (US 5,627,517), in view of De Roche (US 6,429,810).

Regarding claim 1, Theimer discloses a method for shipping goods (See Figure 3, Theimer et al), wherein the method comprises:

- means for receiving via a network[1] (See Fig. 3) a request to ship an item from an origination to a final destination (See col. 4, lines 1-7);

[1] Please not that network, as defined by Meriam-Webster Dictionary, is a system of lines or channels resembling a network or a system of computers, terminals, and databases connected by communications lines. Therefore, Figure 3 exists a network doing broadcasts (See col. 4, lines 1-7).

- means for searching a database for a most inexpensive routing (See col. 9, lines 30-45), wherein the most inexpensive routing includes using two or more different shipping companies (See col. 9, lines 37-56) and one or more intermediate destinations (See col. 8, lines 16-20);
- means for generating a data file (See col. 8, lines 14-20) comprising at least the following:
    - intermediate destination information identifying the one or more intermediate destinations (See col. 8, lines 17-18), and
    - final destination information identifying the final destination (See col. 8, lines 19-20, "Zimbadwe"); and
- means for transferring the data file over a network (See Fig. 3, and col. 7, lines 45-67); and
- means for storing the data file in a memory device that accompanies the item (See col. 8, lines 15-16 and 25-28).

However, Theimer is silent as to using a centralized server and database to keep track all the interrelation information of shipping items from many different locations. On the other hand, De Roche teaches the freight shipping and tracking system having shipping options for user/shipper based on specific budgetary input by user/shipper (See col. 4, lines 61-67), wherein the shipping options includes two or more different shipping companies (See col. 5, line 39-41, also col. 1, lines 33-39), and wherein shipped items are tracked using Ground Tracking System 304 having a central server 303 (Fig. 3, De Roche et al., and corresponding text) where an end user, shipper or other designated party searches and obtains status and location of shipped items (See col. 3, line

67 to col. 4, line 5, De Roche). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate De Roche's centralized tracking server and database into the system of Theimer so that each individual local tracking system located at each of multiple distribution centers of Theimer (col.8, lines 25-27, Theimer) can communicate the items shipping status with each other through centralized server. The motivation would have been to enable user/shipper or other designated parties directly interact to centralized tracking server and database to search/track the shipped item status and location, thus eliminating the inconvenience of calling to each of distribution centers to find out where the item located. Furthermore, having the centralized server and database is cost effective because each of distribution centers does not need to contact to each other in order to keep track of item locations. All it need is communicate with centralized server and database to find out or update the up-to-date information about shipped items.

Regarding claim 2, Theimer/De Roche discloses the memory device is configured to allow the data file to be updated at one or more of the intermediate destinations (See col. 8, lines 33-43).

Regarding claim 3, Theimer/De Roche discloses packing the item in a container for shipping, wherein the container is configured to fit with multiple other containers in a carrier (See col. 7, lines 45-48).

Regarding claim 4, Theimer/De Roche discloses all the claimed subject matter at set forth above in claim 1, and in particular, Theimer system, as modified to include the De Roche centralized server, can now perform the method of forwarding copies of at least a portion of the data file via the network[2] to one or more parties involved in the shipping, wherein the parties include at least an originator of the request to ship the item, a recipient of the item at the final destination, and two or more shipping companies as taught by De Roche (See Fig. 1).

Regarding claim 5, Theimer/De Roche discloses forward copies of the data file via the network to one or more predetermined email addresses (See Fig. 1, and col. 5, lines 1-10, De Roche)

Regarding claim 7, Theimer/De Roche discloses shipping the item using the least expensive routing (See col. 9, lines 50-56).

Regarding claim 8, Theimer/De Roche discloses:

- packing the item in a container (See col. 7, lines 45-48);
- inserting the container in a first carrier with a first set of additional containers bound for a first of the one or more intermediate destinations (See col. 7, lines 45-48); and
- shipping the first carrier to the first intermediate destination (See col. 7, lines 64-67).

[2] Please not that network, as defined by Meriam-Webster Dictionary, is a system of lines or channels resembling a network or a system of computers, terminals, and databases connected by communications lines. Therefore, Figure 3 exists a network doing broadcasts (See col. 4, lines 1-7).

Regarding claim 9, Theimer/De Roche discloses:

- receiving the carrier at the first intermediate destination (See col. 8, lines 20-22);
- removing the container from the carrier (See col. 8, lines 22-23);
- inserting the container into a different carrier with a second set of additional containers bound for a second intermediate destination or the final destination (See col. 8, lines 22-23); and
- shipping the second carrier to the second intermediate destination or the final destination (See col. 8, lines 23-24).

Regarding claim 10, Theimer/De Roche discloses the data file further comprises contact information for one or more shipping companies that will handle the item (See col. 7, lines 5-12).

Regarding claim 11, Theimer/De Roche discloses storing the data file on a server connected to the network, wherein the server provides access to the data file via the network (See col. 3, line 67 to col. 4, line 5, De Roche et al.).

Regarding claim 12, Theimer/DeRoche discloses all the claimed subject matter as set forth above. Theimer teaches generating the data file, however the data file of Theimer does not comprise item weight information. DeRoche, as incorporated with Theimer, teaches the data file comprising item weight information (See col. 4, lines 52-57, De Roche). It would have been obvious to one of ordinary skill in the art to include item weight information in the data file of

Theimer since having information of item weight in the data file facilitates efficient and economic loading and transporting items, as suggested by De Roche.

Regarding claim 13, Theimer/De Roche discloses the data file further comprises item handling information (See col. 3, lines 28-39).

Regarding claim 14, Theimer/De Roche discloses the data file further comprises item content information (See col. 9, lines 12-15).

Regarding claim 15, Theimer/De Roche discloses wherein the data file further comprises payment information (See col. 10, lines 1-15).

Regarding claim 22, Theimer/De Roche discloses the memory device is coupled to a wireless communications device (See col. 6, line 63 to col. 7, line 5).

Regarding claim 23, Theimer/De Roche discloses:

- detecting one or more obstacles to on-time delivery of the item, searching the database for a new least expensive routing that avoids the obstacles (See col. 9, lines 15-22); and
- updating the data file to reflect the new least expensive routing (See col. 9, lines 23-28).

Regarding claim 28, Theimer/De Roche discloses all the claimed subject matter at set forth above. Furthermore, De Roche centralized server, as added to the system Theimer, teaches updating the data file on the central server to reflect arrival of the item at one or more of the intermediate destinations at col. 5, lines 23-35, De Roche.

Regarding claims 41 and 42, Theimer/De Roche discloses an active memory, which associated with microprocessor (See col. 8, lines 15-16, Theimer et al.). However, Theimer/De Roche does not explicitly disclose that the memory is a flash memory device or a CD_RW. However, it was common practice in the art at the time of the invention was made to store information by flash memory device or a CD-RW, such as memory system of Theimer.

Regarding claim 49, Theimer does not explicitly disclose updating the data file on the central server to reflect the item's arrival at the final destination. De Roche's centralized tracking system, as incorporated with Theimer system, teaches updating the data file on the central server to reflect the item's status (See col. 6, lines 16-34, De Roche).

Regarding claim 74, De Roche/Theimer discloses the item is included in a group of items, and wherein the central server is configured to select different shipping routes on which to ship different subsets of the groups of items (See col. 7, lines 45-48, Theimer et al.).

3. Claims 50, 53, 55-63, 67, and 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Roche (US 6,429,810), in view of Theimer (US 5,627,517).

Regarding claim 50, De Roche discloses:

- receive a shipping request via a network for an item to be shipped from an origination to a final destination (See col. 4, lines 46-48, De Roche).
- search a database of shipping information (See col. 4, lines 48-67, De Roche);
- selecting a shipping route for the item based on the shipping information included in the database and confirming the selected shipping route via a network (See col. 5, lines 1-10, de Roche) wherein the shipping route comprises one or more intermediate destinations and uses two or more different shipping (See col. 5, line 23 to col. 6, line 8);
- generate a data file (See col.5, lines 3-7).

However, De Roche is silent as to generating a data file comprising a unique item identifier, origination and intermediate and final destination information. Further, De Roche is silent as to store the data file in a memory device that accompanies the item, wherein the memory device is configured to allow the data file to be updated at one or more of the intermediate destinations. On the other hand, Theimer teaches generating data comprising a unique item identifier (See col. 6, lines 41, Theimer et al.), origination information (See col. 8, lines 21-24, Theimer et al.), intermediate destination information (See col. 8, lines 17-18, Theimer et al.), and final destination information (See col. 8, lines 19-20, Theimer et al.); and store the data file in a memory device that accompanies the item (See col. 8, lines 15-16, Theimer et al.), wherein the memory device is configured to allow the data file to be updated at one or more of the intermediate destinations (See col. 8, lines 33-43, Theimer et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to generating the data file of

Theimer into De Roche system since De Roche teaches generating a data file and since data file can include any kind of information. Further it would have been obvious to one of ordinary skill in the art at the time of the invention was made to store the generated data file in some place like a memory device that accompanies the item so that tracking system of De Roche will perform more accurate. Since the De Roche is a centralized tracking system, one would have been motivated to generate a data file having all the relevant information and store it into a memory device as suggested by Theimer, so the centralized tracking system can easily keep track the shipped items based on these information.

Regarding claim 53, De Roche/Theimer discloses a system comprising:

- a database of shipping information (See col. 4, lines 50-67, De Roche);
- a central server (303, Fig. 3, De Roche) coupled to the database and configured to selected a shipping route for an item in response to querying the database (See col. 4, lines 46-67, De Roche), wherein the central server is configured to generate a data file (See col.5, lines 3-7, De Roche) including information identifying an origination, destination, and intermediate destinations comprised in the shipping route and a memory device configured to be coupled to the item and configured to receive and store a copy of the data file as addressed above in claim 50.

Regarding claim 55, De Roche/Theimer discloses the central server is configured to confirm the shipping route prior to providing the data file to the memory device (See col. 5, lines 1-3, De Roche).

Regarding claim 56, De Roche/Theimer discloses the central server is configured to receive confirmation of arrival of the item at the destination and to responsively update the data file to indicate that the item has arrived at the intermediate destination (See col. 5, lines 23-35, De Roche).

Regarding claim 57, De Roche/Theimer discloses the central server is configured to send an email indicating arrival of the item at the intermediate destination to a party involved in shipping the item in response to receiving the confirmation (See col. 5, lines 19-38, and col. 8, lines 12-22, De Roche).

Regarding claim 58, De Roche/Theimer discloses the central server is configured to search the database for a less expensive shipping route from the intermediate destination to the final destination in response to the item arriving at the intermediate destination (See col. 9, lines 30-45, Theimer).

Regarding claim 59, De Roche/Theimer discloses a processing apparatus located at the intermediate destination, wherein the processing apparatus is configured to update the data file stored on the memory device in response to the item arriving the intermediate destination (See col. 5, lines 23-37, De Roche).

Regarding claim 60, De Roche/Theimer discloses the central server is configured to select a least expensive shipping route (See col. 4, lines 65-67, where in the shipper selects a shipping option or route based on specific budgetary, therefore a least expensive shipping route is the choice).

Regarding claim 61, De Roche/Theimer discloses the data file further comprises contact information for one or more shipping companies that will handle the item along the shipping route (See col. 5, lines 3-7, wherein shipping instructions having contact information inherently, De Roche).

Regarding claim 62, De Roche/Theimer discloses the central server is configured to provide access to the data file via the network (See col. 8, lines 12-22, De Roche).

Regarding claim 63, De Roche/Theimer discloses the data file further comprises item weight information (See col. 4, lines 52-57, De Roche).

Regarding claim 67, De Roche/Theimer discloses the central server is configured to detect one or more obstacles to on-time delivery of the item, to responsively search the database for a new least expensive routing that avoids the one or more obstacles (See col. 9, lines 15-22, Theimer et al.); and to update the data file to indicate the new least expensive routing (See col. 9, lines 23-28, Theimer et al.).

Regarding claim 69, De Roche/Theimer discloses the central server is configured to update the data file to reflect arrival of the item at the final destination (See col. 6, lines 16-34, De Roche).

Regarding claim 70, De Roche/Theimer discloses the item is included in a group of items, and wherein the central server is configured to select different shipping routes on which to ship different subsets of the groups of items (See col. 7, lines 45-48, Theimer et al.).

4. Claims 16-17, and 64-65, are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer (US 5,627,517), in view of De Roche (US 6,429,810), and further in view of Ross (US 6,332,098).

Regarding claims 16 and 64, Theimer and De Rocher disclose all the claimed subject matter as set forth above, except Theimer/De Rocher is silent as to teaching the data file further includes one or more digital images of the item before, during, or after shipping. On the other hand, Ross discloses digital images of the item (See Fig. 10, 'digital images', and col. 7, lines 12-13, and col. 10, lines 13-18, Ross et al.). It would have been obvious to one of ordinary skill in the art to include one or more digital images in the data file of Theimer and De Rocher since having images of item help identifying the condition of item easier, as suggested by Ross.

Regarding claims 17 and 65, Theimer and De Rocher discloses all the claimed subject matter as set forth above, except Theimer/De Rocher is silent as to teaching the data file further includes one or more digital images of the item showing the physical condition of the item upon receipt at one or more intermediate destinations. On the other hand, Ross discloses digital images of the item (See Fig. 10, 'digital images', and col. 7, lines 12-13, and col. 10, lines 13-18, Ross et al.). It would have been obvious to one of ordinary skill in the art to have digital images of the item showing the physical condition of the item upon receipt at one or more intermediate destinations in order to enhance shipping process and customers' satisfaction, as suggested by Ross.

5. Claims 18, 20-21, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer (US 5,627,517), in view of De Roche (US 6,429,810), and further in view of Welles (US 5,686,888).

Regarding claim 18, Theimer/DeRoche discloses all the claimed subject matter as set forth above, however, Theimer/DeRoche is silent as to teaching the memory device further comprises a temperature sensor, wherein the temperature sensor is configured to periodically measure and store temperature readings in the data file. On the other hand, Welles discloses a temperature sensor (See Fig. 4, temp sensor 110, and col. 5, lines 41, Welles et al.), wherein the temperature sensor is configured to periodically measure and store temperature readings in the data file (See col. 6, lines 29-34, Welles et al.). It would have been obvious to one of ordinary skill in the art to include the temperature sensor of Welles in the memory device of Theimer/De

Roche, and to store temperature readings in the data file. The motivation would have been to monitor environmental effects on items.

Regarding claims 20 and 66, Theimer/DeRoche discloses all the claimed subject matter as set forth above, however, Theimer/De Roche is silent as to teaching the memory device further comprises an environmental sensor, wherein the environmental sensor is configured to periodically measure and store in the data file information about one or more environmental factors that the item experiences during shipment. On the other hand, Welles discloses environmental sensor (See col. 5, lines 39-43, Welles et al.), wherein the environmental sensor is configured to periodically measure and store in the data file information about one or more environmental factors that the item experiences during shipment (See col. 5, lines 41-47, Welles et al.). It would have been obvious to one of ordinary skill in the art to include the environmental sensor of Welles in the memory device of Theimer/De Roche. The motivation would have been to monitor environmental effects on items.

Regarding claim 21, Theimer/De Roche discloses all the claimed subject matter as set forth above, however, Theimer/De Roche is silent as to teaching the memory device further comprises a vibration sensor, wherein the vibration sensor is configured to record any vibrations greater than a preprogrammed threshold in the data file. On the other hand, Welles discloses a vibration sensor (See col. 6, lines 16-17, Welles et al.), wherein the vibration sensor is configured to record any vibrations greater than a preprogrammed threshold in the data file (See col. 5, lines 57-61, Welles et al.). It would have been obvious to one of ordinary skill in the art

to include a vibration sensor of Welles in the memory device of Theimer/De Roche. The motivation would have been to monitor environmental effects on items.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer (US 5,627,517), in view of De Roche (US 6,429,810), and further in view of Wortham (US 5,999,091).

Regarding claim 19, Theimer/De Roche, discloses all the claimed subject matter as set forth above, however, Theimer/De Roche is silent as to teaching the memory device further comprises a humidity sensor, wherein the physical humidity sensor is configured to periodically measure and store humidity readings in the data file. On the other hand, Wortham discloses a humidity sensor (See Fig. 2, humidity sensor 48, Wortham et al.). It would have been obvious to one of ordinary skill in the art to include humidity sensor of Welles in the memory device of Theimer/De Roche to measure humidity readings and to store readings in the data file. The motivation would have been to detect the humidity, which may affect items during shipping.

7. Claims 44-47, 51, 54, 68, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer (US 5,627,517), in view of De Roche (US 6,429,810), and further in view of Shavit (US 4,799,156).

Regarding claim 44, Theimer/De Roche discloses all the claimed subject matter as set forth above, however, Theimer/De Roche is silent as to teaching the database include price information and delivery time information. On the other hand, Shavit discloses price information and delivery time information (See col. 26, lines 5-9, Shavit et al.). It would have

been obvious to one of ordinary skill in the art to include price information and delivery time information of Shavit in the database of Theimer/De Roche. The motivation would have been to enhancing customer's demands satisfactions.

Regarding claim 45, Theimer, in view of De Roche, and further in view of Shavit, discloses:

- detecting one or more obstacles to on-time delivery of the item (See col. 9, lines 15-22, Theimer et al.); Although Theimer, in view of De Roche, and further in view of Shavit, does not explicitly disclose soliciting new quotations for shipping the item from one of the intermediate locations to the final destination by transmitting a supplemental request for quotation via the network, however, it is well known in the art as shown by Shavit to soliciting quotations for shipping the item (See col. 16, lines 54-56, Shavit et al.). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed feature of Shavit to soliciting new quotations from one of the intermediate locations to the final destination; and receiving responses to the supplemental request for quotation via the network (See col. 16, lines 56-60, Shavit et al.). The motivation would have been to provide alternative route for shipping the item at the intermediate locations so that providing best shipping services;
- selecting an alternate shipping route for the item based on the additional responses (See col. 17, lines 10-21, Shavit et al.);

- confirming the selected alternate shipping route via the network (See col. 17, lines 15-16, Shavit et al.);

Regarding claim 46, Theimer, in view of De Roche, and further in view of Shavit, discloses the obstacles include travel advisories for one or more of the intermediate locations (See col. 18, lines 19-22, Shavit et al.).

Regarding claim 47, Theimer, in view of De Roche, and further in view of Shavit, discloses the obstacles include shipping backlogs (See col. 9, lines 28-33, Theimer et al.).

Regarding claim 51, Theimer, in view of De Roche, discloses all the claimed subject matter as set forth above, however, Theimer, in view of De Roche, is silent as to teaching maintain and update the database by sending requests for quotes using the network. On the other hand, Shavit discloses maintain and update the database by sending requests for quotes using the network (See col. 40, claim 33, line 11, Shavit et al.). It would have been obvious to one of ordinary skill in the art to include the claimed feature of Shavit to maintain and update the database of Theimer/De Roche by sending requests for quotes using the network as suggested by Shavit. The motivation would have been to provide alternative route for shipping the item at the intermediate locations so that providing best shipping services.

Regarding claim 54, Theimer/De Roche discloses all the claimed subject matter as set forth above, however, Theime/ De Roche is silent as to teaching the central server is configured

to update the database in response to receiving one or more responses to a request for quote from one or more shipping companies. On the other hand, Shavit discloses update the database in response to receiving one or more responses to a request for quote from one or more shipping companies (See col. 16, lines 56-60, and col. 40, claim 33, line 11, Shavit et al.). It would have been obvious to one of ordinary skill in the art to include the claimed feature of Shavit to update the database of Theimer/De Roche in response to receiving one or more responses to a request for quote as suggested by Shavit. The motivation would have been to choose the best shipping route for suppliers.

Regarding claim 68, Theimer/De Roche discloses detecting the one or more obstacles (See col. 9, lines 15-22, Theimer et al.), and updating the database to reflect the responses the request (See col. 9, lines 23-28, Theimer et al.); however, Theimer/De Roche does not explicitly discloses the central server is configured to request new quotations for shipping the item from an intermediate destination to the final destination. On the other hand, Shavit teaches soliciting quotations for shipping the item (See col. 16, lines 54-56, Shavit et al.). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed feature of Shavit to request new quotations for shipping the item from an intermediate destination to the final destination; and to responsively receive one or more responses the request via the network (See col. 16, lines 56-60, Shavit et al.). The motivation would have been to provide alternative route for shipping the item at the intermediate locations so that providing best shipping services;

Regarding claim 73, Theimer/De Roche/Shavit discloses the central server updating the database in response to said receiving the additional responses (See col. 6, lines 16-34, De Roche).

***Response to Arguments***

8. Applicant's arguments filed on 08/22/03 about the claim rejection of the last Office Action have been fully considered and are persuasive. However, upon consideration, a new ground of rejection is made.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ross U.S Patent No. 6,332,098 discloses methods for shipping freight.

Caveney U.S Patent No. 5,038,283 discloses shipping method.

Woolley U.S Patent No. 5,959,568 discloses measuring distance.

Liaw U.S Patent No. 5,712,788 discloses incremental route calculation.

Khowles U.S Patent No. 6,321,992 discloses internet-based system and method for tracking objects bearing url_encoded bar code symbols.

Pool U.S Patent No. 6,460,020 discloses universal shopping center for international operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Merilyn P Nguyen whose telephone number is 703-305-5177. The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MN
November 15, 20033

SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100